

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. CASE NO. 00-50030

Plaintiff,

v.

HONORABLE PAUL V. GADOLA

CAMELLA HOLMES JEFFERSON,

U.S. DISTRICT JUDGE

Defendant.

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**ORDER DENYING MOTION FOR HOME CONFINEMENT**

Before the Court is Defendant's pro se "motion for home confinement under extenuating circumstances." Defendant's father, who is the temporary guardian of her four children, has been diagnosed with cancer. Various other individuals in her family are facing medical and personal challenges. Defendant seeks to serve the remainder of her sentence at home, where she could assist her family and earn a living. Defendant's motion is not brought under any particular rule or statute. The Court will construe this motion as a request to modify Defendant's sentence pursuant to 18 U.S.C. § 3582(c). For the reasons stated below, the Court will deny Defendant's motion because the Court finds no legal authority to grant the relief Defendant seeks.

Congress has limited the circumstances in which a Court may

modify a sentence. 18 U.S.C. § 3582(c). This section states that "[t]he Court may not modify a term of imprisonment once it has been imposed except" upon motion from the Director of the Bureau of Prisons or "to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure." Id. (emphasis added). In this case, there has not been a motion made by the Director of the Bureau of Prisons. Therefore, the Court will determine whether Rule 35 or other statutes permit modification in this case. Rule 35 allows for a sentence reduction for clear error or based on a motion from the Government. Fed. R. Crim. P. 35. Defendant does not argue that the sentence imposed was a clear error, nor does there appear to be any clear error. Fed. R. Crim. P. 35(a). Additionally, the Government has not made a motion for a reduction in sentence. Fed. R. Crim. P. 35(b). The Sixth Circuit has noted that "[o]nly two other statutory exceptions" exist that allow for sentence modification: upon the granting of habeas corpus relief or after remand from an appeal. United States v. Ross, 245 F.3d 577, 586 (6th Cir. 2001). Neither of those circumstances apply to this case. Although the Court sympathizes with Defendant about the difficulties facing her family, the Court finds no authority to grant the relief Defendant seeks.

**ACCORDINGLY, IT IS HEREBY ORDERED** Defendant's motion to modify Defendant's sentence [docket entry 192] is **DENIED**.

**SO ORDERED.**

Dated: June 17, 2005

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 20, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Mark Jones, and I  
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Camella Holmes Jefferson.

s/Paul V. Gadola  
Tammy Hallwood, Deputy Clerk  
(810) 341-7845